

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
William Owens
Defendant.

Case No. *CR 08-1201-Fmc* #31
ORDER OF PRETRIAL DETENTION
AFTER HEARING
(18 U.S.C. § 3142(i))

I.

This matter is before the court on defendant's application to reconsider this court's *10/21/08* order denying pretrial release and imposing detention pursuant to 18 U.S.C. § 3142(e) ("Defendant's Application").

The Government (☒ is () is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure defendant's appearance as required and the safety of any person or the community.

II.

- A. () The Court finds by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of defendant as required;
- B. (✓) The Court finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

III.

The Court has considered:

- A. (✓) the nature and circumstances of the offense(s) charged;
- B. (✓) the weight of the evidence against defendant;
- C. (✓) the history and characteristics of defendant;
- D. (✓) the nature and seriousness of the danger to any person or the community that would be posed by defendant's release;
- E. (✓) the Pretrial Services Report/Recommendation;
- F. (✓) the evidence proffered/presented at the hearing;
- G. (✓) the arguments of counsel.

IV.

The Court concludes:

- A. (✓) Defendant poses a risk to the safety of other persons

and the community based on: nature of constant

offense -- provision of methamphetamine & offer
to provide firearms; weight of the evidence --
videotaped drug transaction; defendant's
testimony on compliance with terms of other
court orders governing probation

1 B. () Defendant poses a serious flight risk based on: _____
2 _____
3 _____
4 _____

5 C. () A serious risk exists that defendant will:

- 6 1. () obstruct or attempt to obstruct justice;
7 2. () threaten, injure or intimidate a prospective
8 witness or juror or attempt to do so;

9 based on: _____
10 _____
11 _____
12 _____

13 D. () Defendant has not rebutted by sufficient evidence to
14 the contrary the presumption provided in 18 U.S.C.
15 § 3142(e) that no condition or combination of
16 conditions will reasonably assure the safety of any
17 other person and the community;

18 and/or

19 () Defendant has not rebutted by sufficient evidence to
20 the contrary the presumption provided in 18 U.S.C.
21 § 3142(e) that no condition or combination of
22 conditions will reasonably assure the appearance of
23 defendant as required.

24 IT IS ORDERED that Defendant's Application is denied and that
25 defendant be detained prior to trial.

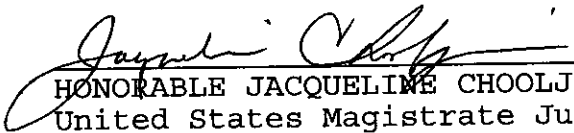
26 IT IS FURTHER ORDERED that defendant be committed to the custody
27 of the Attorney General for confinement to a corrections facility
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1 separate, to the extent practicable, from persons awaiting or serving
2 sentences or persons held in custody pending appeal.

3 IT IS FURTHER ORDERED that defendant be afforded reasonable
4 opportunity for private consultation with defendant's counsel.

5 IT IS FURTHER ORDERED that, on Order of a Court of the United
6 States or on request of an attorney for the Government, the person in
7 charge of the corrections facility in which defendant is confined
8 deliver defendant to a United States Marshal for the purpose of an
9 appearance in connection with a court proceeding.

10 DATED: 1/27/09

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13 HONORABLE JACQUELINE CHOOLJIAN
14 United States Magistrate Judge
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